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5 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 (SAN FRANCISCO DIVISION)

12 MARY ANNE ARMSTRONG, JOSEPH
ELLER AND CAROLE HOWARD,

13 Plaintiffs,

14 v.

15 PFIZER INC., PHARMACIA
CORPORATION, and G.D. SEARLE, LLC,

17 Defendants.

MDL NO. 1699

District Judge: Charles R. Breyer

STIPULATION AND ORDER OF
DISMISSAL WITHOUT PREJUDICE AS
TO PLAINTIFF JOSEPH ELLER

Case No. 06-cv-05804-CRB

19 Come now the Plaintiff and Defendants, by and through the undersigned attorneys,
20 pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of
21 Plaintiff, Joseph Eller from this action without prejudice with each side bearing its own attorney's
22 fees and costs.

23 Should Plaintiff or a representative of Plaintiff attempt to re-file claim against
24 Defendant's, they should do so only by re-filing in the United States District Court.
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Dated: April 18, 2007

Respectfully submitted,

THE MILLER FIRM, LLC

By: David C. Andersen
DAVID C. ANDERSEN

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Dated: 5-14-07

Respectfully submitted,

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**PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS
SO ORDERED**

Dated: May 15, 2007

